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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,572	03/12/2004	Gary Sing Choy Yip JR.	41020-201822	6502
26694	7590	01/27/2005	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP			HARRIS, ANTON B	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	
			2831	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,572

Applicant(s)

YIP, GARY SING CHOY

Examiner

Anton B Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, see pages 7-10, filed 18 October 2004, with respect to the rejection(s) of claim(s) 1-16 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lengyel et al. (5,466,886).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lengyel et al.

Regarding claim 1, Lengyel et al. (col. 4, lines 4-67) discloses an electrical fitting comprising:

a relatively flat body 12 of material having an opening (figure 7);
a number of equally spaced legs 40 projecting from a side of the body 12, which is adapted to face a form wall opposing another form wall onto which an electrical box 10 is mounted flush;
and

a tip (figure 7) disposed on a top of each leg 40 wherein the tip (figure 7) grips the form wall and provides a sturdy and solid base that holds an electrical box 10 and a conduit 54 in

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position during the pouring of concrete wherein the length of each spaced leg 40 is desired to allow concrete to flow between the body 12 and the form wall.

Regarding claim 2, Lengyel et al. (col. 4, lines 4-67) discloses that the tip (figure 7) has a pyramidal base.

Regarding claim 3, Lengyel et al. (col. 4, lines 4-67) discloses that tip (figure 7) is frustoconical.

Regarding claim 4, Lengyel et al. (col. 4, lines 4-67) discloses that each spaced leg 40 has one of a circular cross-section, a triangular cross-section and a rectangular cross-section.

Regarding claim 5, Lengyel et al. (col. 4, lines 4-67) discloses that the body 12, legs 40 and tips (figure 7) are made of plastic (col. 4, line 42).

Regarding claim 6, Lengyel et al. (col. 4, lines 4-67) discloses that the plastic is PVC (col. 4, line 42).

Regarding claim 7, Lengyel et al. (col. 4, lines 4-67) discloses that the body 12, legs 40 and tips (figure 7) are made of one-piece construction (col. 4, lines 39-42).

Regarding claim 8, Lengyel et al. (col. 4, lines 4-67) discloses a system comprising:
an electrical box 10 with a cover plate 26, on its front, that receives an electrical device 18 after a concrete structure is formed;

a conduit 48 having two ends one of which is attached to a back of the electrical box 10;
and electrical fitting 54 attached to the other end of the conduit 48, said electrical fitting comprising:
a relatively flat body 12 of material having an opening (figure 7),

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a number of equally spaced legs 40 projecting from a side of the body 12, which is adapted to face a form wall of the concrete structure opposing another form wall of the concrete structure onto which an electrical box 10 is mounted flush; and

a tip (figure 7) disposed on a top of each leg 40 wherein the tip (figure 7) grips the form wall and provides a sturdy and solid base that holds the electrical box 10 and the conduit 48 in position during the pouring of concrete wherein the length of each spaced leg 40 is designed to allow concrete to flow between the body 12 and the form wall, and

wherein the conduit 48 is of a length so that combined measurements of the electrical box 10 including the cover plate 26 , conduit 48 and electrical fitting 54 approximately equals the width between the form walls of the concrete structure.

Regarding claim 10, Lengyel et al. (col. 4, lines 4-67) discloses that the conduit (col. 4, line 67) is made of plastic (col. 4, line 42).

Regarding claim 11, Lengyel et al. (col. 4, lines 4-67) discloses that the tip (figure 2) of the electrical fitting has a pyramidal base.

Regarding claim 12, Lengyel et al. (col. 4, lines 4-67) discloses that tip (figure 7) of the electrical fitting is frustoconical.

Regarding claim 13, Lengyel et al. (col. 4, lines 4-67) discloses that each spaced leg 40 of the electrical fitting has one of a circular cross-section, a triangular cross-section and a rectangular cross-section.

Regarding claim 14, Lengyel et al. (col. 4, lines 4-67) discloses that the body 12, legs 40 and tips (figure 7) of the electrical fitting are made of plastic (col. 4, line 42).

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Regarding claim 15, Lengyel et al. (col. 4, lines 4-67) discloses that the plastic is PVC (col. 4, line 42).

Regarding claim 16, Lengyel et al. (col. 4, lines 4-67) discloses that the body 12, legs 40 and tips (figure 2) of the electrical fitting are made of one-piece construction (col. 4, lines 41-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lengyel et al. in view of Rajecki et al. (5,420,376 cited by Applicant).

Regarding claim 9, Lengyel et al. discloses the invention substantially as claimed, but lacks that at least one terminal adapter and locknut combination where the at least one terminal adapter and locknut combination securely attaches at least one of the electrical box and the electrical fitting to the conduit.

Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that at least one terminal adapter (figure 3) and locknut combination (figure 3) where the at least one terminal adapter and locknut combination securely attaches at least one of the electrical box (col. 3, lines 10-11) and the electrical fitting to the conduit (col. 4, line 67). See discussion at (col. 3, lines 50-54).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lengyel et al. by providing that at least one terminal adapter and locknut combination where the at least one terminal adapter and locknut combination securely attaches at least one of the electrical box and the electrical fitting to the conduit in order to provide a rigid structure in view of the teachings of Rajecki et al.

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

1/21/05


DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800